

STATEMENT
INSURANCE ASSOCIATION OF CONNECTICUT
JUDICIARY COMMITTEE
APRIL 4, 2011
SB 1233, An Act Concerning Parental Immunity

The Insurance Association of Connecticut, IAC, is opposed to SB 1233 as drafted, as it seeks to abrogate CT's long held parental immunity law. CT has maintained parental immunity for almost a century to preserve family harmony and the parent-child relationship.

SB 1233, as drafted, is extremely broad and could open the floodgates to limitless litigation brought by children against their parents. Children could pursue unlimited claims for any injury or property damage allegedly caused by their parent. A child could sue their parent for such silly things as ruining their laundry, a bad hair cut or mandating they eat brussell sprouts. The parental immunity doctrine was adopted in Connecticut nearly a century ago to preserve family harmony and the parent-child relationship. Presumably SB 1233 does not seek to implode the intent of the parental immunity doctrine, but as written SB 1233 poses a direct threat to family harmony as children could use its provisions as leverage against their parents.

Insurance has specifically precluded coverage for intentional acts. However, insurers have contractual duty to defend certain claims alleged against its insureds. Insurers would be obligated to defend, and possibly pay for, claims brought pursuant to the provisions of this proposal. Also such a scenario could potentially allow the reported wrongdoer to reap the benefits from their misdeeds; presumably the family unit receives the benefits from the insurance policy, that family unit includes the alleged wrongdoer. Such a result would encourage fraud and collusion while increasing costs and ultimately premiums.

Should SB 1233 move forward, the IAC strongly urges its scope be limited and the proposal be amended to clarify that an insurer shall not be required to defend or pay for any claims made pursuant to this act.